

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 )                           8:06CR164  
                                )  
v.                            )  
                                )  
BRIAN VICKERS,             )  
                                )  
Defendants.                )  
                                )  
\_\_\_\_\_

After review of defendant Brian Vickers' "Motion Pursuant to Title 18, Section 3583(e)(1) U.S.C. and Rule 32.1 of F.R.C.P. for Modification of Supervised Release," Filing No. 92, the court denies the defendant's motion. This action is presently on appeal to the Eighth Circuit Court of Appeals, Filing No. 76. The defendant is in the custody of the United States Bureau of Prisons and is not on supervised release at the present time or during the time period he is requesting being placed on home confinement. The court is without jurisdiction to modify the defendant's supervised release as cast in the defendant's motion, Filing No. 92.

IT IS ORDERED that the defendant's motion, Filing No. 92, is denied.

DATED this 13<sup>th</sup> day of December, 2007.

BY THE COURT:

s/ Joseph F. Bataillon  
Chief Judge